

BUILDING CODE BOARD PACKET
MARCH 18, 2008



Division of Building Safety

Building Board

Fiscal Year 2008. For the month ending January 31, 2008

| | Budget | Expenditures | Remaining | % Used |
|--------------------|---------------------|-------------------|-------------------|-------------|
| PERSONNEL COSTS | 901,100.00 | 386,261.34 | 514,838.66 | 42.9 |
| OPERATING EXPENSES | 430,946.00 | 85,201.32 | 345,744.68 | 19.8 |
| Total | 1,332,046.00 | 471,462.66 | 860,583.34 | 35.4 |

Cash Report

| Beginning | Receipts | Transfers | Expenditures | Balance |
|--------------|------------|--------------|--------------|--------------|
| 1,892,654.32 | 424,270.41 | (168,273.52) | 484,681.52 | 1,663,969.69 |

Revenue / Expenditures

Fiscal Year 2008, As of Month Ending Jan

Building- 0229-02

| OBJECT | TITLE | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total |
|-------------------------|-------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-----|-----|-----|-----|-----|---------------------|
| | | 1,892,654.32 | 1,714,689.96 | 1,758,642.46 | 1,764,648.80 | 1,803,443.37 | 1,720,406.82 | 1,693,348.52 | - | - | - | - | - | 1,892,654.32 |
| BEG CASH BALANCE | | 1,892,654.32 | 1,714,689.96 | 1,758,642.46 | 1,764,648.80 | 1,803,443.37 | 1,720,406.82 | 1,693,348.52 | - | - | - | - | - | 1,892,654.32 |

| | | | | | | | | | | | | | | |
|----------------------------|--|---------------------|------------------|-------------------|-----------------|-----------------|-----------------|-----------------|---|---|---|---|---|---------------------|
| 1502 | DUE FROM OTHER FUNDS OR APPROPRIATIONS | - | (3,599.38) | (2,423.04) | 6,022.42 | - | 6,861.43 | 5,715.17 | - | - | - | - | - | 12,576.60 |
| 2105 | P CARD LIABILITY | 790.59 | 509.80 | 467.20 | (432.19) | 2,132.66 | (1,763.06) | 2,163.54 | - | - | - | - | - | 3,868.54 |
| 4700 | OPERATING TRANSFERS IN | - | 31,726.48 | - | - | - | - | - | - | - | - | - | - | 31,726.48 |
| 4800 | OPERATING TRANSFERS OUT | (200,000.00) | - | - | - | - | - | - | - | - | - | - | - | (200,000.00) |
| TOTAL BALANCE SHEET | | (199,209.41) | 28,636.90 | (1,955.84) | 5,590.23 | 2,132.66 | 5,098.37 | 7,878.71 | - | - | - | - | - | (151,828.38) |

| | | | | | | | | | | | | | | |
|----------------------|--------------------|------------------|------------------|------------------|-------------------|------------------|------------------|------------------|---|---|---|---|---|-------------------|
| 1090 | INSPECTION FEES | 23,652.11 | 19,042.26 | 5,395.63 | 15,221.48 | 7,634.01 | 12,946.22 | 7,932.41 | - | - | - | - | - | 91,824.12 |
| 1545 | TECHNICAL SERVICES | 63,308.53 | 63,347.09 | 55,894.66 | 84,958.55 | 6,872.89 | 25,132.43 | 26,591.46 | - | - | - | - | - | 326,105.61 |
| 1555 | OTHER SERVICES | 178.00 | 72.00 | 360.00 | 144.00 | 144.00 | 36.00 | 108.00 | - | - | - | - | - | 1,042.00 |
| 1936 | AUTOMOBILES | - | - | - | 3,835.00 | - | - | - | - | - | - | - | - | 3,835.00 |
| 2715 | RENT | - | - | - | - | 1,463.68 | - | - | - | - | - | - | - | 1,463.68 |
| TOTAL REVENUE | | 87,138.64 | 82,461.35 | 61,650.29 | 104,159.03 | 16,114.58 | 38,114.65 | 34,631.87 | - | - | - | - | - | 424,270.41 |

| | | | | | | | | | | | | | | |
|------------------------------|---------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---|---|---|---|---|-------------------|
| 4101 | GROSS SALARY & WAGE | 38,985.39 | 30,546.18 | 28,896.33 | 29,085.90 | 69,210.28 | 44,417.91 | 46,455.97 | - | - | - | - | - | 287,597.96 |
| 4201 | EMPLOYEE BENEFITS | 13,246.53 | 11,467.96 | 9,986.19 | 10,443.36 | 21,393.16 | 15,748.97 | 16,377.21 | - | - | - | - | - | 98,663.38 |
| TOTAL PERSONNEL COSTS | | 52,231.92 | 42,014.14 | 38,882.52 | 39,529.26 | 90,603.44 | 60,166.88 | 62,833.18 | - | - | - | - | - | 386,261.34 |

| | | | | | | | | | | | | | | |
|-----------------------------|----------------|-----------------|---|---|------------------|---|---|---|---|---|---|---|---|------------------|
| 6000 | CAPITAL OUTLAY | 6,664.00 | - | - | 23,000.00 | - | - | - | - | - | - | - | - | 29,664.00 |
| TOTAL PY ENCUMBRANCE | | 6,664.00 | - | - | 23,000.00 | - | - | - | - | - | - | - | - | 29,664.00 |

| | | | | | | | | | | | | | | |
|------|----------------------------|----------|----------|----------|----------|----------|----------|----------|---|---|---|---|---|-----------|
| 5001 | COMMUNICATION COSTS | 1,125.16 | 3,301.34 | 1,285.43 | 1,982.18 | 2,149.31 | 1,737.71 | 1,035.10 | - | - | - | - | - | 12,616.23 |
| 5051 | EMPLOYEE DEVELOPMENT COSTS | (12.50) | 381.24 | 431.75 | 226.35 | 318.44 | 388.83 | 2,291.75 | - | - | - | - | - | 4,025.86 |

Division of Building Safety

Revenue / Expenditures

Fiscal Year 2008, As of Month Ending Jan

| OBJECT | TITLE | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total |
|------------------------------|-------------------------|-----------------|------------------|------------------|-----------------|------------------|------------------|-----------------|-----|-----|-----|-----|-----|------------------|
| 5101 | GENERAL SERVICES | 176.39 | 2,330.52 | 1,631.40 | 552.21 | 1,041.58 | 787.64 | 1,582.80 | - | - | - | - | - | 8,102.54 |
| 5151 | PROFESSIONAL SERVICES | 1,710.00 | 1,226.25 | 43.75 | 66.25 | 11.25 | - | - | - | - | - | - | - | 3,057.50 |
| 5201 | REPAIR & MAINT SVCS | 1,329.14 | 725.99 | 413.27 | 389.25 | 2,169.45 | 796.50 | 848.12 | - | - | - | - | - | 6,671.72 |
| 5251 | ADMINISTRATIVE SERVICES | 67.72 | - | 0.45 | 0.91 | - | 288.50 | 324.00 | - | - | - | - | - | 681.58 |
| 5301 | COMPUTER SERVICES | - | 228.00 | 86.81 | 0.93 | 28.61 | 61.78 | 6,831.68 | - | - | - | - | - | 7,237.81 |
| 5351 | EMPLOYEE TRAVEL COSTS | - | 162.30 | 268.42 | 350.51 | 35.90 | 289.14 | (31.33) | - | - | - | - | - | 1,074.94 |
| 5401 | ADMINISTRATIVE SUPPLIES | 836.71 | 5,506.48 | 886.56 | 1,108.42 | 2,471.86 | 539.39 | 1,144.51 | - | - | - | - | - | 12,493.93 |
| 5451 | FUEL & LUBRICANTS COSTS | 1,198.37 | 1,435.16 | 1,398.84 | 1,343.98 | 1,280.67 | 1,307.97 | 1,379.66 | - | - | - | - | - | 9,344.65 |
| 5551 | COMPUTER SUPPLIES | 367.76 | 666.11 | 8,008.09 | 66.28 | 1,024.80 | 788.04 | (6,732.11) | - | - | - | - | - | 4,188.97 |
| 5601 | REPAIR & MAINT SUPPLIES | - | - | 74.17 | - | 0.59 | 40.16 | 3.73 | - | - | - | - | - | 118.65 |
| 5701 | SPECIFIC USE SUPPLIES | - | 48.37 | 231.56 | 53.14 | 94.42 | 1,245.78 | 174.98 | - | - | - | - | - | 1,848.25 |
| 5751 | INSURANCE | - | - | - | 2,083.86 | - | - | - | - | - | - | - | - | 2,083.86 |
| 5901 | RENTALS & OPER LEASES | 198.92 | 204.92 | 45.09 | 201.16 | 51.78 | 1,827.88 | 203.34 | - | - | - | - | - | 2,733.09 |
| 5961 | MISC EXPENDITURES | - | 8,914.93 | - | - | 1.69 | 5.12 | - | - | - | - | - | - | 8,921.74 |
| TOTAL OPERATING COSTS | | 6,997.67 | 25,131.61 | 14,805.59 | 8,425.43 | 10,680.35 | 10,104.44 | 9,056.23 | - | - | - | - | - | 85,201.32 |

| | | | | | | | | | | | | | | |
|---------------------------|--|------------------|------------------|------------------|------------------|-------------------|------------------|------------------|---|---|---|---|---|-------------------|
| | | 65,893.59 | 67,145.75 | 53,688.11 | 70,954.69 | 101,283.79 | 70,271.32 | 71,889.41 | - | - | - | - | - | 501,126.66 |
| TOTAL EXPENDITURES | | 65,893.59 | 67,145.75 | 53,688.11 | 70,954.69 | 101,283.79 | 70,271.32 | 71,889.41 | - | - | - | - | - | 501,126.66 |

| | | | | | | | | | | | | | | |
|-------------------------|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---|---|---|---|---|---------------------|
| | | 1,714,689.96 | 1,758,642.46 | 1,764,648.80 | 1,803,443.37 | 1,720,406.82 | 1,693,348.52 | 1,663,969.69 | - | - | - | - | - | 1,663,969.69 |
| END CASH BALANCE | | 1,714,689.96 | 1,758,642.46 | 1,764,648.80 | 1,803,443.37 | 1,720,406.82 | 1,693,348.52 | 1,663,969.69 | - | - | - | - | - | 1,663,969.69 |

SENATE BILL NO. 1396

View [Bill Status](#)

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View [Statement of Purpose / Fiscal Impact](#)

Text to be added within a bill has been marked with Bold and Underline. Text to be removed has been marked with Strikethrough and Italic. How these codes are actually displayed will vary based on the browser software you are using.

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Bill Status

S1396.....by COMMERCE AND HUMAN RESOURCES
BUILDING CODES - Amends existing law to provide the Idaho Building Code
Board the authority to amend specified building codes; and to revise
certain building code references.

02/08 Senate intro - 1st rdg - to printing

02/11 Rpt prt - to Com/HuRes

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE

SENATE BILL NO. 1396

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

1 AN ACT
2 RELATING TO THE IDAHO BUILDING CODE BOARD; AMENDING SECTION 39-4107, IDAHO
3 CODE, TO PROVIDE THE IDAHO BUILDING CODE BOARD THE AUTHORITY TO AMEND
4 SPECIFIED CODES; AND AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE CER-
5 TAIN REFERENCED CODE REVISIONS.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 39-4107, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 39-4107. POWERS AND DUTIES. (1) The board shall continually study the
10 operation of adopted codes, standards and rules relating to the construction
11 of buildings or facilities under the jurisdiction of the division to ascertain
12 their effect upon the public safety and shall support an ongoing effort to

13 promote the uniform adoption, application and interpretation of safety, acces-
14 sibility and building codes statewide. The board shall have the authority to
15 adopt, amend and enforce the codes specified in section 39-4109, Idaho Code,
16 or later editions of such codes, and to promulgate rules in accordance with
17 chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

18 (2) The board shall function as a board of appeals for the division as
19 prescribed in the adopted building code. The board shall have no authority to
20 waive any requirements of the codes enumerated in this chapter or in rules
21 promulgated pursuant to this chapter. Provided further:

22 (a) The decisions of the board shall be final, and the board shall render
23 all decisions and findings in writing to the appellant and the administra-
24 tor within ten (10) working days of the conclusion of a hearing; and

25 (b) For each appeal brought before the board, the chairman shall appoint
26 not less than three (3) members of the board to hear the appeal and render
27 a decision and finding in the name of the board.

28 (3) The board shall utilize experts, consultants, and technical advisors
29 for assistance and recommendations relative to codes, standards, and appeals.

30 (4) The administrator may make building code inspections for another
31 state or local jurisdiction upon request by an appropriate building official.
32 Such inspections shall be made in accordance with the applicable building
33 codes of the requesting jurisdiction. Fees charged for such inspection ser-
34 vices shall be as provided in rules promulgated by the board pursuant to chap-
35 ter 52, title 67, Idaho Code.

36 (5) Notwithstanding the exemptions provided in subsection (4)(b) of sec-
37 tion 39-4103, Idaho Code, the administrator may make inspections of modular
38 buildings constructed in Idaho upon written request from the manufacturer.

39 (a) Such inspections shall be made in accordance with the codes adopted
40 in this chapter.

41 (b) Inspection fees shall be as provided in section 39-4303, Idaho Code.

42 (c) The administrator of the division of building safety may issue an
43 insignia of approval if the buildings are in compliance with the require-

2

1 ments set forth in chapter 43, title 39, Idaho Code.

2 SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 39-4109. APPLICATION OF CODES. The following codes are hereby adopted
5 effective January 1, 2008, for the state of Idaho division of building safety
6 and shall only be applied by local governments as prescribed by section
7 39-4116, Idaho Code:

8 (1) The 200~~36~~ International Building Code:

9 (a) Including appendices thereto pertaining to building accessibility;

10 (b) Excluding the incorporated electrical codes, mechanical code, fuel
11 gas code, plumbing codes, fire codes or property maintenance codes other
12 than specifically referenced subjects or sections of the International
13 Fire Code;

14 (c) Including the incorporated International Residential Code, parts I,
15 II, III, IV and IX; International Energy Conservation Code; and rules pro-
16 mulgated by the board to provide equivalency with the provisions of the
17 Americans with disabilities act accessibility guidelines and the fair
18 housing act accessibility guidelines shall be included; and

19 (d) Replacing section 903.2.7 of the 200~~36~~ International Building Code
20 with sections 903.2.7, 903.2.8 and 903.2.9 of the 2000 International
21 Building Code, which pertain to fire sprinklers in group R occupancies.

22 (2) The 200~~36~~ International Residential Code as published by the Interna-
23 tional Code Council, except for parts V, VI, VII and VIII as they pertain to
24 mechanical, fuel gas, plumbing and electrical requirements;

25 (3) The 2006 International Energy Conservation Code as published by the
26 International Code Council; and
27 (4) The ~~existing~~ 2003⁶ International Existing Building Code as published
28 by the International Code Council.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17407C1

The proposed legislation provides a revision to Section 39-4107, Idaho Code, giving the Building Code Board authority to amend adopted codes. The proposed legislation also revises Section 39-4109, Idaho Code correcting references to the specific editions of building codes in effect in the State of Idaho. The need for the code reference corrections results from the enactment of House Bill 137 last legislative session. House Bill #137 inadvertently changed the effective dates of the 2003 International Building Code and other codes to January 1, 2008, when, in fact, those affected codes were effective January 1, 2005. The Building Code Board had since legally adopted the 2006 versions of these codes, and reverting to the earlier versions would be counterproductive and costly to affected industries and jurisdictions.

FISCAL NOTE

There will be no fiscal impact from the passage of this legislation.

CONTACT

Name: Steve Keys
Agency: Building Safety
Phone: 332-8986

STATEMENT OF PURPOSE/FISCAL NOTE

S 1396

HOUSE BILL NO. 436

View [Bill Status](#)

View [Bill Text](#)

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Bill Status

H0436.....by BUSINESS
STATE FIRE MARSHAL - Amends existing law relating to the State Fire Marshal
to provide for countywide enforcement of the International Fire Code.

01/30 House intro - 1st rdg - to printing

01/31 Rpt prt - to Bus

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 436

BY BUSINESS COMMITTEE

1 AN ACT
2 RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO
3 PROVIDE FOR COUNTYWIDE ENFORCEMENT OF THE INTERNATIONAL FIRE CODE.

4 Be It Enacted by the Legislature of the State of Idaho:

5 SECTION 1. That Section 41-253, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 41-253. STATEMENT OF PURPOSE -- ADOPTION OF INTERNATIONAL FIRE CODE. (1)
8 The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human
9 life from fire, and to prevent fires. These sections are intended to prescribe
10 regulations consistent with nationally recognized good practice for the safe-
11 guarding of life and property from hazards of fire and explosion arising from
12 the storage, handling and use of hazardous substances, materials, and devices,
13 and from conditions hazardous to life or property in the use or occupancy of

14 buildings or premises, and there is hereby adopted the "International Fire
15 Code," 2000 edition, with appendices thereto, published by the International
16 Code Council, Inc. and such later editions as may be so published and adopted
17 by the state fire marshal, as the minimum standards for the protection of life
18 and property from fire and explosions in the state of Idaho.
19 (2) The International Fire Code shall be uniformly enforced on a
20 countywide basis unless specific provisions of the International Fire Code are
21 exempted by a majority vote of the county commissioners of a county.
22 (3) For the purposes of sections 41-253 through 41-269, Idaho Code, the
23 "International Fire Code" shall mean the publications as adopted under subsec-
24 tion (1) of this section.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17716

This legislation will ensure uniform enforcement of the International Fire Code on a countywide basis unless specific provisions are exempted by a majority vote of the county commissioners of a county.

FISCAL NOTE

There is no fiscal impact to the General Fund.

Contact
Name: Speaker Lawrence Denney
Phone: (208) 332-1000

HOUSE BILL NO. 437

View [Bill Status](#)

View [Bill Text](#)

View [Statement of Purpose / Fiscal Impact](#)

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Bill Status

H0437.....by BUSINESS
STATE FIRE MARSHAL - Amends existing law relating to the State Fire Marshal
to provide that the International Fire Code shall apply to state-owned
buildings and premises; and to provide that counties may, by ordinance,
adopt provisions of the International Fire Code to be applied to and
enforced on property located in the county.

01/30 House intro - 1st rdg - to printing

01/31 Rpt prt - to Bus

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 437

BY BUSINESS COMMITTEE

1 AN ACT
2 RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO
3 PROVIDE THAT THE INTERNATIONAL FIRE CODE SHALL APPLY TO STATE-OWNED BUILD-
4 INGS AND PREMISES AND TO PROVIDE THAT COUNTIES MAY BY ORDINANCE ADOPT PRO-
5 VISIONS OF THE INTERNATIONAL FIRE CODE TO BE APPLIED TO AND ENFORCED ON
6 PROPERTY LOCATED IN THE COUNTY; AMENDING SECTION 41-254, IDAHO CODE, TO
7 REVISE POWERS AND DUTIES OF THE STATE FIRE MARSHAL AND TO MAKE TECHNICAL
8 CORRECTIONS; AND AMENDING SECTION 41-256, IDAHO CODE, TO CLARIFY THE
9 AUTHORITY OF ASSISTANTS TO THE STATE FIRE MARSHAL AND TO MAKE TECHNICAL
10 CORRECTIONS.

11 Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-253, Idaho Code, be, and the same is hereby amended to read as follows:

41-253. STATEMENT OF PURPOSE -- ADOPTION OF INTERNATIONAL FIRE CODE -- COUNTY OPTION. (1) The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human life from fire, and to prevent fires. These sections are intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and there is hereby adopted the "International Fire Code," 2000 edition, with appendices thereto, published by the International Code Council, Inc. and such later editions as may be so published and adopted by the state fire marshal, as the minimum standards for the protection of life and ~~property~~ all state-owned buildings and premises from fire and explosions in the state of Idaho.

(2) Provisions of the International Fire Code shall not be applied to or enforced in relation to property, other than state-owned buildings and premises, in any county of the state of Idaho unless the board of county commissioners of the county, by ordinance, specifically adopts those provisions within the International Fire Code that are to be applied and enforced within the county.

(3) For the purposes of sections 41-253 through 41-269, Idaho Code, the "International Fire Code" shall mean the publications as adopted under subsection (1) of this section.

SECTION 2. That Section 41-254, Idaho Code, be, and the same is hereby amended to read as follows:

41-254. POWERS AND DUTIES OF STATE FIRE MARSHAL -- INTERNATIONAL FIRE CODE, ENFORCEMENT AND REGULATIONS -- REPORTS. The state fire marshal shall be appointed by the director of the department of insurance, with the approval of the governor and shall serve at the pleasure of the director. The state fire

2

marshal shall have the following powers and duties:

1. To enforce the ~~International Fire Code~~ in relation to property within his jurisdiction.

2. To prescribe regulations in addition to the ~~International Fire Code~~ as adopted, which may be deemed necessary for the prevention of fires and protection of life and property, and such regulations are to be enforced by the state fire marshal.

3. To make interpretations and rules of the intent of the various provisions of the ~~International Fire Code~~ as adopted.

4. To adopt, rescind, modify or amend rules and regulations for the exercise of functional powers and duties.

5. To transmit to the governor and legislature, on or before the 15th day of July of every year, a full report of proceedings under sections 41-253 through 41-269, Idaho Code, and such statistics as he may wish to include therein unless some other time for reporting is fixed by law, and such report shall be available to the public.

6. To make recommendations for amendments to the ~~International Fire Code~~ to be submitted to the promulgating authority for its consideration.

7. To have exclusive jurisdiction over single service integrated fire sprinkler systems. A "single service integrated fire sprinkler system" is defined as an integrated system of underground and overhead piping, valves and sprinklers used exclusively for fire protection purposes and designed in accordance with fire protection engineering standards, including the ~~International Fire Code~~ as to such systems located in property within his

25 jurisdiction, beginning with the first connection to a public water system
26 regardless of the existence or location of a ~~back-flow~~ backflow prevention
27 device.

- 28 8. No person shall be eligible to serve as state fire marshal unless he:
29 (a) Has had at least twelve (12) years' full-time paid experience with a
30 state, city or county fire protection agency whose primary function is
31 fire prevention and structural fire safety, including at least five (5)
32 years' experience in an administrative capacity as the chief agency offi-
33 cer; or
34 (b) Holds a four (4) year college degree in one (1) of the physical sci-
35 ences and has had at least five (5) years' full-time experience in fire
36 protection and structural fire safety with a fire protection agency; or
37 (c) Is a member of the American society of fire protection engineers.

38 SECTION 3. That Section 41-256, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 41-256. ASSISTANTS TO STATE FIRE MARSHAL. The chief of the fire depart-
41 ment, or his deputy, of every city or county, or fire protection district
42 organized under state law in which a fire department is established, and in
43 areas where no organized fire department exists, the county sheriff, or his
44 deputy, shall be assistants to the state fire marshal in carrying out the pro-
45 visions of the ~~International Fire Code~~ and such other regulations as set
46 forth by the fire marshal as authorized by the provisions of sections 41-253
47 through 41-269, Idaho Code.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17743

This legislation will exempt a county from enforcement of the International Fire Code unless the County Commissioners specifically adopt provisions.

FISCAL NOTE

There is no fiscal impact to the General Fund.

Contact

Name: Speaker Lawrence Denney
Phone: (208) 332-1000

HOUSE BILL NO. 531

View [Bill Status](#)

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View [Amendment](#)

View [Engrossed Bill \(Original Bill with Amendment\(s\) Incorporated\)](#)

View [Statement of Purpose / Fiscal Impact](#)

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Bill Status

H0531aa.....by STATE AFFAIRS
ADMINISTRATIVE RULES - Amends existing law relating to administrative rules
to provide statutory procedures for negotiated rulemaking; and to provide
for an agency to post notice of rulemaking onto its website if the agency
has a website.

02/14 House intro - 1st rdg - to printing

02/15 Rpt prt - to St Aff

02/21 Rpt out - rec d/p - to 2nd rdg

02/22 2nd rdg - to 3rd rdg

02/25 To Gen Ord

02/26 Rpt out amen - to engros

02/27 Rpt engros - 1st rdg - to 2nd rdg as amen

02/28 2nd rdg - to 3rd rdg as amen

02/29 3rd rdg as amen - PASSED - 54-12-4

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block,
Bolz, Bowers, Brackett, Bradford, Chadderdon, Chew, Clark, Collins,
Crane, Eskridge, Hagedorn, Hart, Harwood, Henderson, Killen, King,
Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin,
Mortimer, Moyle, Nielsen, Nonini, Patrick, Pence, Raybould, Roberts,
Schaefer, Shepherd(08), Shirley, Shively, Smith(24),
Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander
Woude, Wood(27), Wood(35), Mr. Speaker

NAYS -- Bock, Boe, Chavez, Durst, Henbest, Jaquet, LeFavour,
Pasley-Stuart, Ringo, Ruchti, Rusche, Sayler

Absent and excused -- Black, Lake, Shepherd(02), Wills

Floor Sponsor - Moyle

Title apvd - to Senate

03/03 Senate intro - 1st rdg - to St Aff

Bill Text

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO
PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION
67-5221, IDAHO CODE, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING
ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORREC-
TIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5220, Idaho Code, be, and the same is hereby
amended to read as follows:

67-5220. NOTICE OF INTENT TO PROMULGATE RULES ~~-- NEGOTIATED RULEMAKING.~~
(1) Prior to the adoption, amendment or repeal of the rule, an agency may
shall publish in the bulletin a notice of intent to promulgate a rule. The
notice shall contain a brief, nontechnical statement of the subject matter to
be addressed in the proposed rulemaking, and shall include the purpose of the
rule, the statutory authority for the rulemaking, citation to a specific fed-
eral statute or regulation if that is the basis of authority or requirement
for the rulemaking, and the principal issues involved. If the agency deter-
mines that negotiated rulemaking is feasible, the notice shall also state
that interested persons have the opportunity to participate with the agency in
negotiated rulemaking as provided in this section, and shall identify an indi-
vidual to whom ~~comments on~~ responses to the proposal notice may be sent. If
the agency determines that negotiated rulemaking is not feasible, it shall
explain in the notice why negotiated rulemaking is not feasible and shall pro-
ceed with formal rulemaking as provided in this chapter. Each agency that has
a website shall cause the notice of intent to promulgate rules to be placed
onto or accessible from the homepage of the agency's website.

(2) The notice of intent to promulgate a rule is intended to facilitate
negotiated rulemaking, a process in which all interested ~~parties~~ persons and
the agency seek consensus on the content of a rule. Agencies ~~are encouraged to~~
shall proceed through such informal rulemaking whenever it is feasible to do
so in order to improve the substance of proposed rules by drawing upon shared
information, knowledge, expertise and technical abilities possessed by inter-
ested persons, and to expedite formal rulemaking.

(3) To facilitate the achievement of the purposes of this section, agen-
cies shall, at a minimum:

(a) Provide a reasonable period of time for interested persons to respond
to the notice of intent to promulgate rules and to notify the agency that
they will participate in negotiated rulemaking;

(b) Convene public meetings of interested persons;

(c) Make available to persons attending the meetings all public records,
as defined in section 9-337, Idaho Code, that are considered by the agency
in connection with the formulation of the proposed rule, and that are not
exempt from disclosure pursuant to chapter 3, title 9, Idaho Code;

(d) Consider the written recommendations of interested persons concerning

2 the subject of the proposed rule;

3 (e) Prepare a written summary of such written recommendations, and writ-
4 ten explanations of the agency's acceptance or rejection of such recommen-
5 dations. Each agency that has a website shall cause the written summary
6 required by this subsection to be placed onto or accessible from the
7 homepage of the agency's website. If formal rulemaking is initiated by an
8 agency after negotiated rulemaking, the agency shall reference such recom-
9 mendations and explanations in its public notices and make them available
10 to the public upon request; and

11 (f) Establish, maintain and update at least monthly the negotiated rule-
12 making schedule and a list and posting of written comments and other docu-
13 ments and information pertinent to the proposed rule on the agency's
14 website, or a website that is connected to, or may be accessed from, the
15 agency's website.

16 (4) Negotiated rulemaking is not required when it is not feasible includ-
17 ing, but not limited to, when the agency has no discretion as to the substan-
18 tive content of a proposed rule because the substantive content of the pro-
19 posed rule is mandated by:

20 (a) A controlling judicial decision or court order; or

21 (b) The provisions of a statute or a federal rule that has been amended
22 since the adoption of the agency rule.

23 SECTION 2. That Section 67-5221, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 67-5221. PUBLIC NOTICE OF PROPOSED RULEMAKING. (1) Prior to the adoption,
26 amendment, or repeal of a rule, the agency shall publish notice of proposed
27 rulemaking in the bulletin. The notice of proposed rulemaking shall include:

28 (a) ~~The~~ specific statutory authority for the rulemaking including a
29 citation to the specific section of the Idaho Code that has occasioned the
30 rulemaking, or the federal statute or regulation if that is the basis of
31 authority or requirement for the rulemaking;

32 (b) ~~a~~ statement in nontechnical language of the substance of the pro-
33 posed rule, including a specific description of any fee or charge imposed
34 or increased;

35 (c) ~~a~~ specific description, if applicable, of any negative fiscal impact
36 on the state general fund greater than ten thousand dollars (\$10,000) dur-
37 ing the fiscal year when the pending rule will become effective; provided,
38 however, that notwithstanding section 67-5231, Idaho Code, the absence or
39 accuracy of a fiscal impact statement provided pursuant to this subsection
40 shall not affect the validity or the enforceability of the rule;

41 (d) ~~The~~ text of the proposed rule prepared in legislative format;

42 (e) ~~The~~ location, date, and time of any public hearings the agency
43 intends to hold on the proposed rule;

44 (f) ~~The~~ manner in which persons may make written comments on the pro-
45 posed rule, including the name and address of a person in the agency to
46 whom comments on the proposal may be sent;

47 (g) ~~The~~ manner in which persons may request an opportunity for an oral
48 presentation as provided in section 67-5222, Idaho Code; and

49 (h) ~~The~~ deadline for public comments on the proposed rule.

50 (2) (a) Coinciding with each issue of the bulletin, the coordinator shall
51 cause the publication of an abbreviated notice with a brief description of
52 the subject matter, showing any agency's intent to propose a new or
53 changed rule that is a new addition to that issue of the bulletin. The

1 form of the notice shall be substantially as follows: typefaces used shall
2 measure greater than seven (7) points, and space width shall not be less
3 than two (2) newspaper columns. The content of the notice shall be sub-
4 stantially as follows:

5 A prominent bold typeface heading designed to alert readers to the
6 rules and information contained in the notice. The notice shall include
7 the agency name and address, rule number, rule subject matter as provided
8 in paragraph (1)(b) of this section, and the comment deadline. A brief
9 statement in a prominent bold typeface that informs citizens where they
10 can view the administrative bulletin in hard copy or electronic form shall
11 be included.

12 (b) The coordinator shall cause the notice required in paragraph (a) of
13 this subsection to be published in at least the accepting newspaper of
14 largest paid circulation that is published in each county in Idaho or, if
15 no newspaper is published in the county, then in an accepting newspaper of
16 largest paid circulation published in Idaho and circulated in the county.
17 The newspaper of largest circulation shall be established by the sworn
18 statement of average annual paid weekday issue circulation that has been
19 filed by a newspaper with the United States post office for the calendar
20 year immediately preceding the calendar year during which the advertise-
21 ment in this section is required to be published. The coordinator is
22 authorized to negotiate a rate or rates with any or all newspapers pub-
23 lishing these notices which will provide adequate exposure to the notices
24 by the least expensive means. For the purposes of this section, the provi-
25 sions of section 60-105, Idaho Code, shall not apply.

26 (c) Each agency that has a website shall cause the notice required in
27 paragraph (a) of this subsection to be placed onto or accessible from the
28 homepage of the agency's website so that interested parties can view it
29 online.

30 SECTION 3. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.

Amendment

|||| LEGISLATURE OF THE STATE OF IDAHO ||||
Fifty-ninth Legislature Second Regular Session - 2008

Moved by Stevenson

Seconded by Moyle

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 531

AMENDMENT TO SECTION 1

1 On page 2 of the printed bill, in line 1, delete "written"; and in line 3,
2 delete "such".
3

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5220, Idaho Code, be, and the same is hereby amended to read as follows:

67-5220. NOTICE OF INTENT TO PROMULGATE RULES ~~-- NEGOTIATED RULEMAKING.~~
(1) Prior to the adoption, amendment or repeal of the rule, an agency may
shall publish in the bulletin a notice of intent to promulgate a rule. The notice shall contain a brief, nontechnical statement of the subject matter to be addressed in the proposed rulemaking, and shall include the purpose of the rule, the statutory authority for the rulemaking, citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking, and the principal issues involved. If the agency determines that negotiated rulemaking is feasible, the notice shall also state that interested persons have the opportunity to participate with the agency in negotiated rulemaking as provided in this section, and shall identify an individual to whom ~~comments on responses to the proposal notice~~ may be sent. If the agency determines that negotiated rulemaking is not feasible, it shall explain in the notice why negotiated rulemaking is not feasible and shall proceed with formal rulemaking as provided in this chapter. Each agency that has a website shall cause the notice of intent to promulgate rules to be placed onto or accessible from the homepage of the agency's website.

(2) The notice of intent to promulgate a rule is intended to facilitate negotiated rulemaking, a process in which all interested ~~parties~~ persons and the agency seek consensus on the content of a rule. Agencies ~~are encouraged to~~ shall proceed through such informal rulemaking whenever it is feasible to do so in order to improve the substance of proposed rules by drawing upon shared information, knowledge, expertise and technical abilities possessed by interested persons, and to expedite formal rulemaking.

(3) To facilitate the achievement of the purposes of this section, agencies shall, at a minimum:

(a) Provide a reasonable period of time for interested persons to respond to the notice of intent to promulgate rules and to notify the agency that they will participate in negotiated rulemaking;

(b) Convene public meetings of interested persons;

(c) Make available to persons attending the meetings all public records, as defined in section 9-337, Idaho Code, that are considered by the agency in connection with the formulation of the proposed rule, and that are not exempt from disclosure pursuant to chapter 3, title 9, Idaho Code;

1 (d) Consider the recommendations of interested persons concerning the
2 subject of the proposed rule;

3 (e) Prepare a written summary of written recommendations, and written
4 explanations of the agency's acceptance or rejection of such recommenda-
5 tions. Each agency that has a website shall cause the written summary
6 required by this subsection to be placed onto or accessible from the
7 homepage of the agency's website. If formal rulemaking is initiated by an
8 agency after negotiated rulemaking, the agency shall reference such recom-
9 mendations and explanations in its public notices and make them available
10 to the public upon request; and

11 (f) Establish, maintain and update at least monthly the negotiated rule-
12 making schedule and a list and posting of written comments and other docu-
13 ments and information pertinent to the proposed rule on the agency's
14 website, or a website that is connected to, or may be accessed from, the
15 agency's website.

16 (4) Negotiated rulemaking is not required when it is not feasible includ-
17 ing, but not limited to, when the agency has no discretion as to the substan-
18 tive content of a proposed rule because the substantive content of the pro-
19 posed rule is mandated by:

20 (a) A controlling judicial decision or court order; or

21 (b) The provisions of a statute or a federal rule that has been amended
22 since the adoption of the agency rule.

23 SECTION 2. That Section 67-5221, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 67-5221. PUBLIC NOTICE OF PROPOSED RULEMAKING. (1) Prior to the adoption,
26 amendment, or repeal of a rule, the agency shall publish notice of proposed
27 rulemaking in the bulletin. The notice of proposed rulemaking shall include:

28 (a) ~~The~~ specific statutory authority for the rulemaking including a
29 citation to the specific section of the Idaho Code that has occasioned the
30 rulemaking, or the federal statute or regulation if that is the basis of
31 authority or requirement for the rulemaking;

32 (b) ~~a~~ statement in nontechnical language of the substance of the pro-
33 posed rule, including a specific description of any fee or charge imposed
34 or increased;

35 (c) ~~a~~ specific description, if applicable, of any negative fiscal impact
36 on the state general fund greater than ten thousand dollars (\$10,000) dur-
37 ing the fiscal year when the pending rule will become effective; provided,
38 however, that notwithstanding section 67-5231, Idaho Code, the absence or
39 accuracy of a fiscal impact statement provided pursuant to this subsection
40 shall not affect the validity or the enforceability of the rule;

41 (d) ~~The~~ text of the proposed rule prepared in legislative format;

42 (e) ~~The~~ location, date, and time of any public hearings the agency
43 intends to hold on the proposed rule;

44 (f) ~~The~~ manner in which persons may make written comments on the pro-
45 posed rule, including the name and address of a person in the agency to
46 whom comments on the proposal may be sent;

47 (g) ~~The~~ manner in which persons may request an opportunity for an oral
48 presentation as provided in section 67-5222, Idaho Code; and

49 (h) ~~The~~ deadline for public comments on the proposed rule.

50 (2) (a) Coinciding with each issue of the bulletin, the coordinator shall
51 cause the publication of an abbreviated notice with a brief description of
52 the subject matter, showing any agency's intent to propose a new or
53 changed rule that is a new addition to that issue of the bulletin. The

1 form of the notice shall be substantially as follows: typefaces used shall
2 measure greater than seven (7) points, and space width shall not be less
3 than two (2) newspaper columns. The content of the notice shall be sub-

stantially as follows:

A prominent bold typeface heading designed to alert readers to the rules and information contained in the notice. The notice shall include the agency name and address, rule number, rule subject matter as provided in paragraph (1)(b) of this section, and the comment deadline. A brief statement in a prominent bold typeface that informs citizens where they can view the administrative bulletin in hard copy or electronic form shall be included.

(b) The coordinator shall cause the notice required in paragraph (a) of this subsection to be published in at least the accepting newspaper of largest paid circulation that is published in each county in Idaho or, if no newspaper is published in the county, then in an accepting newspaper of largest paid circulation published in Idaho and circulated in the county. The newspaper of largest circulation shall be established by the sworn statement of average annual paid weekday issue circulation that has been filed by a newspaper with the United States post office for the calendar year immediately preceding the calendar year during which the advertisement in this section is required to be published. The coordinator is authorized to negotiate a rate or rates with any or all newspapers publishing these notices which will provide adequate exposure to the notices by the least expensive means. For the purposes of this section, the provisions of section 60-105, Idaho Code, shall not apply.

(c) Each agency that has a website shall cause the notice required in paragraph (a) of this subsection to be placed onto or accessible from the homepage of the agency's website so that interested parties can view it online.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17912

Negotiated rulemaking is a critically important step for state agencies to take in developing rules based on consensus and the best information and expertise available to the private and public sectors. This legislation strengthens the legislature's statement of support for negotiated rulemaking by clarifying its purposes and providing minimum procedures. The legislation provides a better foundation for negotiated rulemaking than current administrative rules adopted by the attorney general in IDAPA 04.11.01 800-819 by requiring agencies to: publish notice of negotiated rulemaking on their websites; convene meetings of interested persons for the purpose of negotiation; make agency information concerning the proposed rule available to participants in the negotiated rulemaking process; consider and respond to recommendations of participants in the negotiated rulemaking process, and make those recommendations and agency responses part of the agency record available to the public in any subsequent formal rulemaking. In 2005, the legislature incorporated similar provisions to secure public participation in the development of total maximum daily loads (TMDLs) through House Bill No. 145, amending Idaho Code Section 39-3611.

FISCAL NOTE

Potential increased agency costs in posting website notice, conducting meetings, and responding to the recommendations of interested parties will be offset by corresponding savings in formal rulemaking proceedings on proposed rules that have an improved technical basis, increased consensus, and for which issues have been resolved or more clearly identified through negotiation.

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